

**LODI CITY COUNCIL  
REGULAR CITY COUNCIL MEETING  
CARNEGIE FORUM, 305 WEST PINE STREET  
WEDNESDAY, DECEMBER 15, 2010**

**C-1    Call to Order / Roll Call**

The City Council Closed Session meeting of December 15, 2010, was called to order by Mayor Johnson at 6:15 p.m.

Present:    Council Member Hansen, Council Member Nakanishi, Mayor Pro Tempore Mounce, and Mayor Johnson

Absent:    Council Member Katzakian

Also Present:    City Manager Bartlam, City Attorney Schwabauer, and City Clerk Johl

**C-2    Announcement of Closed Session**

- a)    Prospective Lease of City-Owned Real Property; Government Code §54956.8; Former Jazzercise Building Located at 111 North Stockton Street, Suite B, Lodi, California; Negotiating Parties are Rad Bartlam, City Manager, and Jack Kautz, Manager of P & K Fitness of Lodi
- b)    Actual Litigation: Government Code §54956.9(a); One Case; June Goehring v. City of Lodi, et al., San Joaquin County Superior Court, Case No. 39-2009-00232543-CU-PO-STK

**C-3    Adjourn to Closed Session**

At 6:15 p.m., Mayor Johnson adjourned the meeting to a Closed Session to discuss the above matters. The Closed Session adjourned at 6:40 p.m.

**C-4    Return to Open Session / Disclosure of Action**

At 7:00 p.m., Mayor Johnson reconvened the City Council meeting, and City Attorney Schwabauer disclosed the following actions.

Item C-2 (a) was discussion only.

In regard to Item C-2 (b), settlement direction was given in the amount of \$90,000.

**A.    Call to Order / Roll call**

The Regular City Council meeting of December 15, 2010, was called to order by Mayor Johnson at 7:00 p.m.

Present:    Council Member Hansen, Council Member Nakanishi, Mayor Pro Tempore Mounce, and Mayor Johnson

Absent:    Council Member Katzakian

Also Present:    City Manager Bartlam, City Attorney Schwabauer, and City Clerk Johl

**B.    Presentations - None**

**C.    Consent Calendar (Reading; Comments by the Public; Council Action)**

Mayor Pro Tempore Mounce made a motion, second by Mayor Johnson, to approve the following items hereinafter set forth, **except those otherwise noted**, in accordance with the report and recommendation of the City Manager.

**VOTE:**

The above motion carried by the following vote:

Ayes: Council Member Hansen, Council Member Nakanishi, Mayor Pro Tempore Mounce, and Mayor Johnson

Noes: None

Absent: Council Member Katzakian

**C-1 Receive Register of Claims in the Amount of \$4,057,233.71 (FIN)**

Claims were approved in the amount of \$4,057,233.71.

**C-2 Approve Minutes (CLK)**

The minutes of November 17, 2010 (Regular Meeting), November 23, 2010 (Shirtsleeve Session), November 23, 2010 (Special Meeting), November 30, 2010 (Shirtsleeve Session), December 1, 2010 (Special Meeting), December 1, 2010 (Regular Meeting), and December 7, 2010 (Shirtsleeve Session) were approved as written.

**C-3 Adopt Resolution Approving Purchase of 2010 Ford F750 Crane Truck from Coastline Equipment, of Sacramento (\$100,000) (PW)**

Adopted Resolution No. 2010-210 approving purchase of 2010 Ford F750 crane truck from Coastline Equipment, of Sacramento, in the amount of \$100,000.

**C-4 Accept Improvements Under Contract for Carnegie Forum Re-Roof Project (PW)**

Accepted the improvements under contract for Carnegie Forum Re-Roof Project.

**C-5 Adopt Resolution Accepting Improvements Under Contract for Lodi GrapeLine Bus Stop Improvements - Various Locations and Appropriating Funds (\$12,052) (PW)**

This item was pulled for further discussion by Mayor Johnson.

In response to Mayor Johnson, Mr. Sandelin stated the change orders were related to unforeseen circumstances at the Hutchins Street Square location with grades and construction lamps. Mayor Johnson requested additional information be sent to him about the change orders and the reasons for the same.

In response to Council Member Hansen, Mr. Sandelin stated the funding for the bus stop construction has been fully utilized and staff is applying for additional funds.

Council Member Hansen and Mayor Pro Tempore Mounce suggested a new bus stop location be included in front of Coco's on Kettleman Lane.

In response to Council Member Hansen, Mr. Sandelin stated the stop in front of Raley's could not be covered because there is not enough room for a covered structure.

Mayor Pro Tempore Mounce requested a list of all bus stop locations and a notation indicating whether they are covered or not.

Mayor Johnson made a motion, second by Mayor Pro Tempore Mounce, to adopt Resolution No. 2010-221 accepting improvements under contract for Lodi GrapeLine Bus Stop Improvements - Various Locations and appropriating funds in the amount of \$12,052.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Hansen, Council Member Nakanishi, Mayor Pro Tempore Mounce, and Mayor Johnson

Noes: None

Absent: Council Member Katzakian

C-6 Adopt Resolution Accepting Improvements Under Contract for 2010 Street Improvements Project and Appropriating Funds (\$100,000) (PW)

Adopted Resolution No. 2010-211 accepting improvements under contract for 2010 Street Improvements Project and appropriating funds in the amount of \$100,000.

C-7 Adopt Resolution Approving Improvement Deferral Agreement for 217 East Lockeford Street (PW)

This item was pulled from the agenda pursuant to the City Manager's request.

C-8 Adopt Resolution Authorizing the City Manager to Execute Professional Services Agreement with RMC Water and Environment, of Walnut Creek, to Prepare 2010 Urban Water Management Plan Update (\$65,400) and Appropriating Funds (\$12,000) (PW)

Adopted Resolution No. 2010-212 authorizing the City Manager to execute professional services agreement with RMC Water and Environment, of Walnut Creek, to prepare 2010 Urban Water Management Plan update in the amount of \$65,400 and appropriating funds in the amount of \$12,000.

C-9 Adopt Resolution Authorizing the City Manager to Execute Contract for Security Services at Lodi Transit Station and Parking Structure to U. S. Security Associates, Inc., of Stockton (Estimated Three-Year Cost: \$223,500) and to Negotiate and Execute Two One-Year Contract Extensions (PW)

This item was pulled for further discussion by Council Member Hansen.

In response to Council Member Hansen, Mr. Sandelin stated the security cameras should be fully installed within six months, there was some delay due to staffing shortages, staff is ready to go to bid on the installation, funding has been secured, and the new security company will need to monitor the cameras as a part of its contract.

Council Member Nakanishi requested a copy of the minimum requirements set forth in the bidding documents.

Council Member Hansen made a motion, second by Mayor Johnson, to adopt Resolution No. 2010-222 authorizing the City Manager to execute contract for security services at Lodi Transit Station and Parking Structure to U. S. Security Associates, Inc., of Stockton, for the estimated three-year cost of \$223,500, and to negotiate and execute two one-year contract extensions.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Hansen, Council Member Nakanishi, Mayor Pro Tempore Mounce, and Mayor Johnson

Noes: None

Absent: Council Member Katzakian

- C-10 Adopt Resolution Authorizing the City Manager to Execute Contract for Removal of Approximately 500 Tons of Biosolids from the White Slough Water Pollution Control Facility with Synagro West, LLC, of Suisun City (\$304,450) (PW)

Adopted Resolution No. 2010-213 authorizing the City Manager to execute contract for removal of approximately 500 tons of biosolids from the White Slough Water Pollution Control Facility with Synagro West, LLC, of Suisun City, in the amount of \$304,450.

- C-11 Adopt Resolution Certifying Mitigated Negative Declaration; Authorizing the City Manager to Execute Contract for Construction with Cushman Contracting, Inc., of Goleta (\$3,715,000), and Task Order No. 30 with West Yost Associates, of Davis (\$478,830), for White Slough Water Pollution Control Facility Biosolids Dewatering and Storage Facilities Project; and Appropriating Funds (\$4,950,000) (PW)

Adopted Resolution No. 2010-214 certifying Mitigated Negative Declaration; authorizing the City Manager to execute contract for construction with Cushman Contracting, Inc., of Goleta, in the amount of \$3,715,000, and Task Order No. 30 with West Yost Associates, of Davis, in the amount of \$478,830, for White Slough Water Pollution Control Facility Biosolids Dewatering and Storage Facilities Project; and appropriating funds in the amount of \$4,950,000.

- C-12 Adopt Resolution of Vacation of Surplus Portion of Street Easement on Lodi Avenue Adjacent to Parcel Located at 230 South Cherokee Lane (Jimboy's Tacos Building) and Authorizing the City Manager to Execute Termination Agreement (PW)

Adopted Resolution No. 2010-215 of vacation of surplus portion of street easement on Lodi Avenue adjacent to parcel located at 230 South Cherokee Lane (Jimboy's Tacos building) and authorizing the City Manager to execute termination agreement.

- C-13 Adopt Resolution Authorizing the City Manager to Enter into a Letter of Agreement Between the City of Lodi and CertainTeed Corporation for the Sale of Designated Municipal Electric Distribution Facilities (\$78,842.50) (EUD)

Adopted Resolution No. 2010-216 authorizing the City Manager to enter into a letter of agreement between the City of Lodi and CertainTeed Corporation for the sale of designated municipal electric distribution facilities in the amount of \$78,842.50.

- C-14 Adopt Resolution Approving the Interim Agreement for the Northern California Power Agency Geothermal Project Numbers 2 and 3 Transfers of Renewable Energy Certificates (RECs) and Authorizing Execution by the City Manager and Administration by the Electric Utility Director with Authority to Sell RECs under the Direction of the Risk Oversight Committee (EUD)

Adopted Resolution No. 2010-217 approving the interim agreement for the Northern California Power Agency Geothermal Project Numbers 2 and 3 Transfers of Renewable Energy Certificates (RECs) and authorizing execution by the City Manager and administration by the Electric Utility Director with authority to sell RECs under the direction of the Risk Oversight Committee.

- C-15 Adopt Resolution Approving Contract with Lodi Unified School District to Provide After School Staff Support for a New Bridge Program at Victor Elementary School During Fiscal

Year 2010/11 and Appropriating Funds (\$20,000) (PR)

Adopted Resolution No. 2010-218 approving contract with Lodi Unified School District to provide after school staff support for a new Bridge Program at Victor Elementary School during fiscal year 2010/11 and appropriating funds in the amount of \$20,000.

C-16 Authorize the City Manager to Execute a Three-Year Agreement with Environmental Systems Research Institute, Inc. for Geographic Information System Software (\$163,125) (CM)

Authorized the City Manager to execute a three-year agreement with Environmental Systems Research Institute, Inc. for Geographic Information System software in the amount of \$163,125.

C-17 Adopt Resolution Amending the City of Lodi Drug and Alcohol Testing Policy and Procedure in Accordance with the Federal Transit Administration Drug and Alcohol Program Requirements (CM)

Adopted Resolution No. 2010-219 amending the City of Lodi Drug and Alcohol Testing Policy and Procedure in accordance with the Federal Transit Administration Drug and Alcohol Program requirements.

C-18 Adopt Resolution Approving Information Technology Policies (CM)

Adopted Resolution No. 2010-220 approving Information Technology Policies.

C-19 Adopt Resolution Revising the Order of Business for City Council Meetings (CLK)

This item was pulled by Robin Rushing, a member of the public, for further discussion.

In response to Mr. Rushing, Mayor Johnson stated the item was brought forth at his consideration to allow for the Pledge of Allegiance to be conducted immediately after the Invocation/Call to Civic Responsibility while everyone is standing and does not affect the order of business in any other manner.

Mayor Johnson made a motion, second by Mayor Pro Tempore Mounce, to adopt Resolution No. 2010-223 revising the order of business for City Council meetings.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Hansen, Council Member Nakanishi, Mayor Pro Tempore Mounce, and Mayor Johnson

Noes: None

Absent: Council Member Katzakian

D. Comments by the Public on Non-Agenda Items

THE TIME ALLOWED PER NON-AGENDA ITEM FOR COMMENTS MADE BY THE PUBLIC IS LIMITED TO FIVE MINUTES. The City Council cannot deliberate or take any action on a non-agenda item unless there is factual evidence presented to the City Council indicating that the subject brought up by the public does fall into one of the exceptions under Government Code Section 54954.2 in that (a) there is an emergency situation, or (b) the need to take action on the item arose subsequent to the agenda's being posted. Unless the City Council is presented with this factual evidence, the City Council will refer the matter for review and placement on a future City Council agenda.

Jim Shoemaker invited the City Council and the public to attend the first International Film Festival to be held at Hutchins Street Square on January 21, 2011, at 5:30 p.m. In response to Council Member Hansen, Mr. Shoemaker stated he is partnering with the Chamber of Commerce and Visit Lodi to bring forth the event to Lodi, tickets are \$20, and the goal is to showcase award-winning films in Lodi while tying in the wine and tourism piece.

Robert Raingruber spoke in support of various options to save Pig's Lake in a natural state instead of letting it flood through as suggested by the State of California.

Alan MacIsaac provided a brief overview of the 2010 Mokelumne River Challenge and invited the City Council and public to attend the 2011 Mokelumne River Challenge to be held on June 25, 2011.

E. Comments by the City Council Members on Non-Agenda Items

Council Member Hansen reported on his attendance at the Northern California Power Agency and San Joaquin Council of Governments Commission meetings where specific topics of discussion included the new Lodi Energy Center, budget, participant withdrawal and interest, the I-5 widening project, and lending money to the State to ensure project completion.

Council Member Nakanishi reported on his attendance at a Town Hall meeting with Governor-elect Jerry Brown where specific topics of discussion included the anticipated \$28 billion budget gap, unemployment numbers, recession projection for five years, overall decline in State revenues, and \$54 billion in bonds authorized but not yet released.

Mayor Pro Tempore Mounce reported on her attendance at League of California Cities meetings where specific topics of discussion included the passage of Proposition 22 and the League's strategic goals for the upcoming year. She also commended the Downtown Lodi Business Partnership and Keith Vargem for their efforts with the Tree Lighting and the Loel Center for their holiday events.

The City Council wished the citizens and staff a Merry Christmas and a Happy New Year.

F. Comments by the City Manager on Non-Agenda Items

City Manager Bartlam reported that in anticipation of the pending storm, which is expected to drop 3 to 5 inches of rain, staff will be closing the basin parks and additional information regarding the same can be found on the webpage.

G. Public Hearings

G-1 Public Hearing to Adopt Resolution Confirming the 2011 Annual Report and Levy of Assessments within the Lodi Tourism Business Improvement District (CM)

Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Johnson called for the public hearing to consider resolution confirming the 2011 Annual Report and levy of assessments within the Lodi Tourism Business Improvement District.

City Manager Bartlam provided a brief introduction to the subject matter of the annual report and assessment levy.

Deputy City Manager Jordan Ayers provided a brief overview of the previously received 2010 Annual Report from Visit Lodi regarding the Lodi Tourism Business Improvement District and the

process associated with conducting the public hearing and levying the assessment.

City Clerk Johl stated for the record that the City Clerk's office had not received any written or verbal protests to date.

Mayor Johnson opened the public hearing, and receiving no comments, closed the public hearing.

Mayor Pro Tempore Mounce made a motion, second by Council Member Hansen, to adopt Resolution No. 2010-224 confirming the 2011 Annual Report and levy of assessments within the Lodi Tourism Business Improvement District.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Hansen, Council Member Nakanishi, Mayor Pro Tempore Mounce, and Mayor Johnson

Noes: None

Absent: Council Member Katzakian

H. Communications

H-1 Monthly Protocol Account Report (CLK)

Mayor Pro Tempore Mounce made a motion, second by Mayor Johnson, to approve the cumulative Monthly Protocol Account Report through November 30, 2010.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Hansen, Council Member Nakanishi, Mayor Pro Tempore Mounce, and Mayor Johnson

Noes: None

Absent: Council Member Katzakian

I. Regular Calendar

I-1 Review of City's Annual Financial Report (Fiscal Year 2009/10) by Macias, Gini & O'Connell, LLP (CM)

Deputy City Manager Jordan Ayers provided a PowerPoint presentation regarding the 2009/10 Comprehensive Annual Financial Report. Specific topics of discussion included the auditor's opinion, status of the financial position, highlights of financial records, unreserved fund balance, budget to actual variances, clean opinion, findings regarding reporting requirements, and the management letter regarding internal controls and prior year findings.

In response to Mayor Pro Tempore Mounce, Mr. Ayers stated the cardroom is still self-reporting and staff is reviewing that process and looking into obtaining the K1 document from the business as suggested.

In response to Council Member Nakanishi, Mr. Ayers stated staff is working on mid-year review and budget numbers and reviewing the State budget numbers as well for application.

In response to Council Member Hansen, Mr. Ayers stated the sales tax from the Lodi Energy Center will primarily hit in the 2010/11 year with a small amount hitting in 2011/12.

In response to Council Member Hansen, Mr. Bartlam stated the initial numbers for the Census could be released as early as December 21, population numbers drive availability of resources, and there is no threshold number other than that which is applicable for block grant purposes.

There was no action needed on this item other than to receive the report.

J. Ordinances - None

K. Reorganization of the Following Agency Meetings: 1) Lodi Public Improvement Corporation; 2) Industrial Development Authority; 3) Lodi Financing Corporation; 4) City of Lodi Redevelopment Agency; and 5) Lodi Public Financing Authority

Mayor Pro Tempore Mounce made a motion, second by Council Member Nakanishi, to adopt the following resolutions: Resolution No. LPIC2010-02 reorganizing the Lodi Public Improvement Corporation; Resolution No. IDA-33 reorganizing the Industrial Development Authority; Resolution No. LFC-20 reorganizing the Lodi Financing Corporation; RDA2010-02 reorganizing the City of Lodi Redevelopment Agency; and Resolution No. LPFA2010-02 reorganizing the Lodi Public Financing Authority.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Hansen, Council Member Nakanishi, Mayor Pro Tempore Mounce, and Mayor Johnson

Noes: None

Absent: Council Member Katzakian

L. Adjournment

There being no further business to come before the City Council, the meeting was adjourned at 8:15 p.m.

ATTEST:

Randi Johl  
City Clerk